

JOHN W. HARGRAVE (JH 9935)
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In re	:	Case No. 14-24518/ABA
MR. U'S LOUNGE, LLC	:	CERTIFICATION OF JOHN W.
	:	HARGRAVE, CHAPTER 7 TRUSTEE
Debtors	:	IN OPPOSITION TO JOSEPH
	:	UMMARINO'S MOTION TO
	:	RECONSIDER
	:	returnable: 4/26/16 @ 10:00 a.m.

JOHN W. HARGRAVE, of full age, hereby certifies as follows:

1. I am the Chapter 7 Trustee for Mr. U's Lounge, LLC, who filed a petition for relief under Chapter 11 of the United States Bankruptcy Code on July 16, 2014. Thereafter this case was converted to Chapter 7 on November 21, 2014.

2. John W. Hargrave was appointed Chapter 7 Trustee on November 25, 2014.

3. At the time the Debtor filed its Chapter 11 bankruptcy petition, it was the sole owner of a New Jersey Plenary Retail Consumption License, License #0436-33-015-008, issued by the Township of Winslow, County of Camden, State of New Jersey (hereinafter "the License").

BACKGROUND

4. Joseph Ummarino is the sole member of Mr. U's Lounge, LLC, and signed the Chapter 11 bankruptcy petition under oath that all the information contained therein was correct.

5. Schedule B as filed on July 30, 2014, Docket #8, as to question #23 - Licenses,

franchises, etc, the Debtor answered that it was the owner of a Liquor License with an *Unknown value*. See Exhibit “A”.

6. In addition, in response to a motion filed by the Office of the US Trustee to dismiss or convert this case to Chapter 7 case, Mr. Ummarino filed a Certification in Opposition on August 29, 2014, Docket #16, stating on Page 2, Paragraph 5 “... The debtor also owns a Plenary Retail Consumption License.” See Exhibit “B”.

7. Thereafter, on October 14, 2014, the Debtor filed a Chapter 11 Combined Small Business Plan and Disclosure Statement (hereinafter the “Plan”), Docket #24. Page 24 of the Plan **Exhibit B - Liquidation Analysis**, lists as an asset of the Debtor “k. Other intangibles - liquor license” with a value of \$25,000.00. In addition, Page 25 of the Plan **Exhibit C - Assets**, also lists as an asset of the Debtor the Liquor License, with an estimated value of \$25,000.00. See Exhibit “C”

CHAPTER 7 TRUSTEE’S SALE OF LIQUOR LICENSE

8. On February 26, 2016, the Trustee filed a motion to sell the License for the sum of Eight-five Thousand Dollars (\$85,000.00), Docket #47. Deadlines to object to the sale were set for March 24, 2016, at which time no objections were received and the Clerk of the Court entered a Certification of No Objection to Private Sale on March 24, 2016, Docket #51.

9. This matter came before the Court for consideration on March 29, 2016, to consider any objections, at which time no one appeared to object the motion. Thereafter, the Court entered an Order authorizing the Trustee to sell the Debtor’s License on March 29, 2016, Docket #52.

10. Sometime on March 29th, after the Court called this matter for objections, Joseph Ummarino appeared in Court to object to the sale. Therefore, the Court set this matter down for a hearing to consider his objection for April 26, 2016, Docket #54.

11. The Debtor has no basis to object to the sale of the License. Attached are the following documents which prove that at the time of the bankruptcy filing, the License was titled in the name of the Debtor, Mr. U's Lounge, LLC:

- a. License renewal **prepared by Mr. Ummarino** dated 3/30/15, which states:
"Name(s) as it does or appears on the license certificate...". To which Mr. Ummarino replied "Mr. U's Lounge, LLC".
- b. Copy of State of New Jersey 2014 - 2015 License titled in the name of Mr. U's Lounge, LLC; and
- c. Copy of letter dated 9/10/2015 from the Township of Winslow, enclosing Resolution R-2015-405, approving the extension of Mr. U's Lounge, LLC, A.B.C. License #0436-33-015-010, to the *Bankruptcy Trustee for Mr. U's Lounge, LLC*.

These documents are attached as Exhibit "D".

12. In addition, Mr. Ummarino states that the License was in his name in prior years, also attached hereto is a copy of a Resolution Authorizing 2012/2013 Plenary Retail Consumption License Renewals for 2012/2013 approving the License #0436-33-015-008 to Mr. U's Lounge, LLC, t/a Guiseppe Lounge & Restaurant. See Exhibit "E".

13. For the reasons set forth above, I request the Court deny Mr. Ummarino's Motion for Consideration and allow the Trustee's sale of the License pursuant to the Order of the Court dated March 29, 2016.

I certify that the foregoing statements made by me are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: April 21, 2016

/s/ John W. Hargrave
JOHN W. HARGRAVE